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4 BILL NO. S-78-01- 13

5 SPECIAL ORDINANCE NO. S- 14-78

6 AN ORDINANCE approving a contract with  
7 T-G Excavating, Inc., for sewer improve-  
ment resolution no. 299-77.

8  
9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
10 FORT WAYNE, INDIANA:

11 SECTION 1. That the contract dated December 22, 1977,  
12 between the City of Fort Wayne, by and through its Mayor and the  
13 Board of Public Works and T-G Excavating, Inc., for:

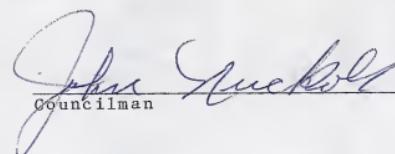
14 Beginning at an existing sanitary sewer manhole located  
15 on the Southeast corner of Lot #271 of Eastland Gardens  
16 Addition, Sec. "B", as recorded in Plat Book 24, Page 108;  
17 thence due South 85+ LF to a proposed manhole located 43+ LF  
18 South of and 30+ LF West of the intersection of Autumn View  
19 Drive and Tillman Road; thence East 400+ LF terminating at  
20 a proposed manhole located 370+ LF East of and 43+ LF South  
21 of the intersection of Autumn View Drive and Tillman Road.

22 Said sewer shall be 12" in diameter.

23 for a total cost of \$16,295.60, all as more particularly set  
24 forth in said contract which is on file in the Office of the  
25 Board of Public Works and is by reference incorporated herein,  
26 made a part hereof and is hereby in all things ratified, con-  
27 firmed and approved.

28 SECTION 2. This Ordinance shall be in full force and  
29 effect from and after its passage and approval by the Mayor.

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35

  
John Guckoll  
Councilman

APPROVED AS TO FORM  
At 10:00 A.M. 1/26/78  
ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by

B. T. Tice, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 1-10-78

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (Yea) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>				
<u>BURNS</u>	<u>X</u>				
<u>HINGA</u>	<u>X</u>				
<u>HUNTER</u>	<u>X</u>				
<u>MOSES</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT, D.</u>	<u>X</u>				
<u>SCHMIDT, V.</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 1-24-78

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 8-14-78 on the 24th day of January, 1978

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of January, 1978 at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 31st day of January, 1978 at the hour of 10:30 o'clock A. M., E.S.T.

Robert Ellington  
MAYOR

Bill No. S-78-01-13

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
approving a contract with T-G Excavating, Inc., for sewer improvement  
resolution no. 299-77

JOHN NUCKOLS - CHAIRMAN

PAUL M. BURNS - VICE CHAIRMAN

WINFIELD C. MOSES, JR.

DONALD J. SCHMIDT

JAMES S. STIER

1-24-78 CONCURRED IN  
DATE CHARLES W. KELLYMAN, CITY C.

65-187-13 12/22/77

# CONTRACT AND BOND

This Agreement, Made and entered into as of the 22 day of  
December, 19 77, by and between T-G Excavating, Inc.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct beginning at an existing sanitary sewer manhole located on the Southeast corner of Lot #271 of Eastland Gardens Addition, Sec. "B", as recorded in Plat Book 24, Page 108; thence due South 85+LF to a proposed manhole located 43+LF South of and 30+LF West of the intersection of Autumn View Drive and Tillman Road; thence East 400+LF terminating at a proposed manhole located 370+LF East of and 43+LF South of the intersection of Autumn View Drive and Tillman Road.

Said sewer shall be 12" in diameter.

for the Following Prices

12" R.C.P., Class V	Twenty One Dollars and Twenty Four Cents	\$ 21.24
C.F.W.Std.M.H.Type I-A	Eleven Hundred Seventy One Dollars	\$ 1,171.00
#73 or #53 Stone Backfill	Ten Dollars and Sixty Cents	\$ 10.60
Special Backfill	Eight Dollars and Fifty One Cents	\$ 8.51
Seeding & 2" Mulch	Only Thirty Seven Cents	\$ 0.37
6" Y Tap-in units and/or )	One Hundred Dollars	\$ 100.00
6" Ext.to P.L.Incl.permit)		
4" Deep Strength Asphalt	Ten Dollars and Forty Cents	\$ 10.40

The said party of the first part expressly agrees to make the improvements herein specified in strict

accordance with the provisions of Sewer Improvement Resolution No. 299-1977 and in accordance with the plans, profiles and specifications for the improvement on file in the office of the Department of Public Works of said city. The resolutions, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectually as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 180 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 29 day of November, 19 77.

T-G EXCAVATING, INC.  
Tom Storkamp  
Pres.

Contractor, party of the first part.

This contract approved by us this 22 day of December, 19 77.

BOARD OF PUBLIC WORKS,  
Party of the second part.

Robert Armstrong  
Mayor

Approved:  
Larry D. Brown  
Attala County Commissioner

# GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we T-G EXCAVATING, INC.

Contractors

as principal and FIDELITY AND DEPOSIT CO. OF MARYLAND

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Sixteen Thousand, Two Hundred Ninety Five Dollars & Sixty Cents (\$ 16,295.60)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said  
T - G EXCAVATING, INC.

did on the day of November, 1977 enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a sewer in and along Tillman Road according to Res. #299-1977

according to certain plans and specifications, and also warranting and guaranteeing the work, material and conditions of the sewer as provided in the aforesaid contract, plans and specifications.

Now, if the said T - G EXCAVATING, INC.  
shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this day of November 19 77

T-G EXCAVATING, INC. (SEAL)

BY: Tom Stockamp, Pres. (SEAL)

James E. Kuehl (SEAL)

Fidelity and Deposit Company of Maryland  
Attorney-In-Fact

Approved this 22 day of December 1977

Henry P. Whiting

May G. Scott

Board of Public Works.

# LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we T-G EXCAVATING, INC.

as principal and FIDELITY & DEPOSIT CO. OF MARYLAND

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of \$16,295.60  
Sixteen Thousand, Two Hundred Ninety Five Dollars & Sixty Cents (\$ 16,295.60)  
for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The condition of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the

day of November, 1977, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the sewer as to the workmanship, material and conditions for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

Witness our hands and seals this day of November 19 77

T - G EXCAVATING, INC. (SEAL)

BY: Tom Stockamp, Pres. (SEAL)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND (SEAL)

Henry E. Lupton (SEAL)  
ATTORNEY-IN-FACT

Approved this 22 day of December 19 77

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

Henry P. Wehrenberg

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5,68,69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, Page 545, being Section 9459 of Burns Annotated Statutes Volume IV) (Section 40-1214 Burns Annotated 1952 Revision Volume VIII). It is further stipulated that any judgment rendered against the City of Ft. Wayne in any suits for damages for injury to real or personal property, or for any injury to real or personal property, or for any injury, sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitrators or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation Acts, of the State of Indiana, now in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City the premises.

DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE BOARD  
CITY HALL

To Whom It May Concern:

Fort Wayne, Ind.,

19

The time in which to complete the within contract is hereby extended by the Board of Public Works of the City of Fort Wayne, Indiana, until

*Henry P. Wehrenberg*  
*May 9, 19*  
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE BOARD  
CITY HALL

To Whom It May Concern:

Fort Wayne, Ind.,

19

The time in which to complete the within contract is hereby extended by the Board of Public Works of the City of Fort Wayne, Indiana, until

Board of Public Works.

No. \_\_\_\_\_ 19  
CONTRACT AND BOND  
of

for

Amount of Bond

Approved: \_\_\_\_\_ Dollars

Board of Public Works.

Recorded in Contract Record Book No. \_\_\_\_\_  
Page. \_\_\_\_\_ Recorded in \_\_\_\_\_ Imp. Res.  
Record Book No. \_\_\_\_\_ Page. \_\_\_\_\_

Improvement Resolution No. \_\_\_\_\_ 19  
Cost per lineal foot \$ \_\_\_\_\_

Assessment Roll Approved \_\_\_\_\_  
Final Estimate Approved \_\_\_\_\_

Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. FECOT, JR., Vice-President, and PAUL E. ZACHARSKI, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint Walter H. Lupke, Jr., Duane E. Lupke, Donald L. Coffey, Edward B. Rice, Walter E. Booze, Paula W. Schneider, Marvin P. Martin, Lowell K. Zelt and Virginia T. Axson, all of Fort Wayne, Indiana, EACH, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Walter H. Lupke, Jr., et al, dated November 6, 1975.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 21st day of June, A.D. 1976.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

ATTEST:



Paul E. Zacharski  
Assistant Secretary

By: Paul E. Zacharski  
Vice-President

STATE OF MARYLAND } ss:  
CITY OF BALTIMORE }

On this 21st day of June, A.D. 1976, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposes and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Melinda T. Hause  
Notary Public Commission Expires July 1, 1978

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this day of November, 1977.

W. J. Basye  
Assistant Secretary

TITLE OF ORDINANCE SPECIAL ORDINANCE - SEWER IMPROV. RESOL. NO. 299-77 - T-G EXCAVATING, INC.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

*8-78-01-13*

SYNOPSIS OF ORDINANCE CONTRACT FOR SEWER IMPROVEMENT RESOLUTION NO. 299-77, FOR SEWER AT  
INTERSECTION OF AUTUMN VIEW DRIVE AND TILLMAN ROAD, WITH T-G EXCAVATING, INC., CONTRACTOR,  
IN THE AMOUNT OF \$16,295.60

COPY OF CONTRACT ATTACHED

EFFECT OF PASSAGE INSTALLATION OF SEWER AT THE ABOVE-DESCRIBED LOCATION

EFFECT OF NON-PASSAGE INABILITY TO CONSTRUCT SEWER ABOVE-DESCRIBED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$16,295.60 FROM CITY UTILITIES

ASSIGNED TO COMMITTEE